

### **REMARKS/ARGUMENTS**

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

With the amendments above, the porous matrix in claims 1 and 5 has been limited without prejudice to the carbon materials of claim 8. Applicants respectfully submit that these amendments do not introduce new matter. An early notice to that effect is earnestly solicited.

Claims 1, 4, 7 and 9 were rejected under 35 USC § 103(a) as being obvious over Heung, US 6,432,379 in view of Ovshinsky, US 6,478,844. In response, Applicants point out that claim 8 was not subject to this rejection and, therefore, the amendments above render this rejection moot.

Claim 2 was rejected under 35 USC § 103(a) as being obvious over Heung in view of Ovshinsky and further in view of Antonelli, US 7,078,130. In response, Applicants point out that claim 8 was not subject to this rejection and, therefore, the amendments above render this rejection moot.

Claim 3 was rejected under 35 USC § 103(a) as being obvious over Heung in view of Ovshinsky and further in view of MacGillivray, US 2009/0000474. In response, Applicants point out that claim 8 was not subject to this rejection and, therefore, the amendments above render this rejection moot.

Claim 5 was rejected under 35 USC § 103(a) as being obvious over Heung in view of Ovshinsky and further in view of DeFilippi et al. ("DeFilippi"), US 5,503,738. In response,

Applicants point out that claim 8 was not subject to this rejection and, therefore, the amendments above render this rejection moot.

Claim 8 was rejected under 35 USC § 103(a) as being obvious over Heung in view of Ovshinsky and further in view of Golben, US 6,508,866. In response, Applicants point out, as noted above, certain of the subject matter of claim 8 has been incorporated without prejudice into claims 1 and 5. The Examiner concedes that the combination of Heung and Ovshinsky does not make out a *prima facie* case of the obviousness of claim 8. Thus, the Examiner relies on Golben to teach the particulars of claim 8, the Examiner pointing with particularity to Golben at column 1, lines 45-53. The teaching there, which refers to an earlier US patent, is of “a metal hydride material dispersed within a matrix of a silica gel powder.” The instant claims require a carbon matrix material. The Examiner has not pointed to any teaching or suggestion of such materials within the cited references and, therefore, has failed to make out a *prima facie* case of the obviousness of the instant claims.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is earnestly solicited.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be

promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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